

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 09/987,994
ATTORNEY DOCKET NO. Q67326

REMARKS

Applicant thanks the Patent Office for acknowledging Applicant's claim to foreign priority, and for indicating that the certified copy of the priority document, French Patent Application No. 00 14 851 dated November 17, 2000, has been made of record in the file.

Applicant thanks the Patent Office for initialing the references listed on the PTO/SB/08 A & B form submitted with the Information Disclosure Statement filed on January 23, 2002 and returning an initialed copy of the PTO/SB/08 A & B, thereby confirming that the listed references have been considered.

Claims 1-7 have been examined on their merits.

Applicant herein editorially amends claims 1 and 2. The amendments to claims 1 and 2 do not narrow the literal scope of the claims, were not made for reasons of patentability and do not implicate an estoppel in the application of the doctrine of equivalents.

Applicant herein adds new claims 8-14. Support for new claims 8-14 can be found, for example, in the originally filed claims and specification. No new matter has been added. Entry and consideration of the new claims 8-14 is respectfully requested.

The Patent Office objects to claims 2 and 4-7 as being dependent upon a rejected base claim. Applicant thanks the Patent Office for indicating that claims 2 and 4-7 would be allowed if rewritten in independent form. However, instead of rewriting claims 2 and 4-7 in independent form, Applicant respectfully traverses the prior art rejections for the reasons set forth below.

Claims 1-14 are all the claims presently pending in the application.

1. Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kussel (U.S. Patent No. 5,742,795). Applicant traverses the rejection of claims 1 and 3, and insofar as the rejection might apply to new claims 8-14, for at least the reasons discussed below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). A single source must disclose all of the claimed elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). A proper anticipation rejection requires that every element of the claim be found “in a single prior art reference.” *See In re Robertston*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999). For anticipation to exist, there must be no difference between the claimed invention and the reference disclosure, as that reference would be understood by one of ordinary skill in the art. *See Scripps Clinic & Research Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); *see also, Crown Operations Intn’l, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 U.S.P.Q.2d 1917 (Fed. Cir. 2002). Further, “an anticipating reference must describe the [claimed] subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention.” *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 545, 48 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1998) (citing *In re Spada*, 911 F.2d 705,

708, 15 U.S.P.Q.2d 1655, 1657 (Fed. Cir. 1990)). Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Kussel fails to teach or suggest at least the obtaining of a partial graph from the compiled schematic and assignment topologies and based on search processes defined by power station component status and type of information searched for, nor does Kussel teach or suggest combining the partial graphs to form a complete graph, as recited in claim 1. The Patent Office cites Figures 1-3 and col. 4, line 66 to col. 6, line 49 as allegedly disclosing the generation of the partial graphs and the combining of the partial graphs to form a complete graph. While Kussel admittedly discloses the topological compilation process (see, *e.g.*, col. 5, line 1 to col. 6, line 14), there is no teaching or suggestion of creating partial graphs for each peripheral measuring unit based on the status of components (*e.g.*, switches open/closed) and searched-for information (*e.g.*, current nodes, equipotentials, etc.). Table 1 of Kussel discloses, *inter alia*, the status of switches and a measured value characteristic, but there is no teaching or suggestion of creating partial graphs for peripheral measuring units based on any of that information. Moreover, in the portion of Kussel cited by the Patent Office, there is no teaching or suggestion of combining several graphs created for the peripheral measuring units (based on component status and searched-for information) into a complete graph.

Based on the foregoing reasons, Applicant submits that Kussel fails to teach or suggest all of the claimed elements as arranged in claim 1. Therefore, under *Hybritech* and *Richardson*,

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Kussel clearly cannot anticipate the present invention as recited in independent claim 1. Thus, Applicant submits that claim 1 allowable, and further submit that claim 3 is allowable as well, at least by virtue of its dependency from claim 1. Applicant respectfully requests that the Patent Office withdraw the § 102(b) rejection of claims 1 and 3.

With respect to new independent claim 8, Applicant submits that claim 8 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that Kussel fails to teach or suggest at least the creation of a partial graph for each peripheral measuring unit from the compiled schematic and assignment topologies and based on search processes defined by power station component status and type of searched-for information, and Kussel fails to teach or suggest combining the partial graphs to form a complete graph. Therefore, under *Hybritech* and *Richardson*, Applicant submit that new claim 8 is allowable, and further submits that new claims 9-14 are allowable as well, at least by virtue of their dependency from new claim 8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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